Per G.S. Singhvi, CJ

This appeal is directed against order dated 08-12-2005 passed by the learned Single Judge in W.V.M.P. No.2290 of 2005 whereby he declined to vacate interim order dated
11-08-2005 passed in and W.P.M.P. No.21072 of 2005 suspending the operation of order dated 20-6-2005 passed by the Andhra Pradesh Cooperative Tribunal, Hyderabad
(for short 'the Tribunal').

The New Gudur Toddy Tappers Cooperative Society, Gudur (appellant herein) was registered on 19-8-1997. By an order dated 12-7-2004, the Prohibition & Excise Superintendent-cum-Registrar of Toddy Tappers Cooperative Societies, Kurnool (respondent No.2) bifurcated the said society resulting in the creation of Sri Katamaiah Toddy Tappers Cooperative Society (respondent No.1). The appellant challenged the order of bifurcation in C.T.A. No.147 of 2004, which was allowed by the Tribunal vide its order dated
20-6-2005.

Aggrieved by the order of the Tribunal, respondent No.1 filed Writ Petition No.16575 of 2005. It also filed an application for stay, which was registered as W.P.M.P.No.21072 of 2005. While issuing "rule nisi" on
11-8-2005, the learned Single Judge suspended the operation of order dated 20-6-2005 passed by the Tribunal.
The appellant filed W.V.M.P.No.2290 of 2005 for vacating the interim order. In the meanwhile, respondent No.2 passed order dated 5-8-2005 cancelling the licence of respondent No.1, who then filed W.P.M.P.No.22978 of 2005 seeking stay of that order.

After hearing counsel for the parties, the learned Single Judge rejected the appellant's prayer for vacating the interim order.

We have heard the learned counsel for the parties and perused the record.

In the course of hearing, learned counsel for respondent No.1 made a statement that order dated 5-8-2005 passed by Prohibition and Excise Superintendent-cum-Registrar of Toddy Tappers Cooperative Societies,

Kurnool District, cancelling the licence of his client has been stayed by the learned Single Judge in W.P.M.P. No.22978 of 2005. This has not been controverted by the learned counsel for the appellant. He, however, submitted that on the strength of the interim order passed by the learned Single Judge, respondent No.1 should not be allowed to carry on its activities in the matter of sale of toddy.

We have considered the submission of the learned counsel for the appellant, but are not inclined to interfere with the interlocutory order passed by the learned Single Judge because (1) no substantial failure of justice has been occasioned by virtue of suspension of order dated 20-6-2005 passed by the Tribunal; (2) interim order passed by the learned Single Judge in W.P.M.P.No.22978 of 2005 is not under challenge in this appeal and without nullifying that order, respondent No.1 cannot be prevented from carrying on its activities in the matter of sale of toddy; and (3) the main case has already been listed for hearing on 24-1-2006 and it is expected that the same will be finally disposed of on that date or within reasonable time thereafter.

For the reasons aforementioned, the appeal is dismissed. However, liberty is given to the appellant to make a request to the Hon'ble Single Bench for taking the matter out of turn on 24-01-2006. It is hoped that counsel representing respondent No.1 will neither oppose such request nor any effort will be made to delay the disposal of the writ petition.

G.S. SINGHVI, CJ

Date:26-12-2005

R. SUBHASH REDDY, J

PV/svs

HONOURABLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT APPEAL No.2537 OF 2005

Between:

The New Gudur Toddy Tappers

Cooperative Society

Rep. by its President E. Mohan Goud

.. Appellant

AND

Sri Katamaiah Toddy Tappers Cooperative Society

Rep. by its President, Mr. E. Ramanjaneyulu,

And another

.. Respondents

::JUDGMENT::

Counsel for the appellant : Mr. P Veera Reddy
Counsel for Respondent No.1: Mr. T. Amarnath Goud
Counsel for Respondent No.2: G.P. for Prohibition & Excise

December 26, 2005